

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 11, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:04OD-149

OAHU

Amend Prior Board Action of July 25, 2003 (Agenda Item D-15),
Sale of Remnant to Clifford K. Helenihi and Channa Helenihi,
Halekou-Waikaluakai Homesteads, Kaneohe, Oahu,
Tax Map Key:(1) 4-5-077:059 (Portion)

The Land Board at its meeting of July 25, 2003, under agenda item D-15, approved the sale of the remnant ditch to Clifford K. Helenihi and Channa Helenihi situated at Halekou-Waikaluakai Homesteads, Kaneohe, Oahu, further identified by Tax Map Key:(1)4-5-077:059 (por).

By way of a letter dated July 1, 2004, along with a copy of the Warranty Deed dated March 22, 2004, Land Division was informed that Clifford K. Helenihi and Channa Helenihi have sold the property to Michael C. Davis and Michelle L. Davis, as husband and wife, Tenants by Entirety.

Michael C. Davis and Michelle L. Davis have expressed an interest in the remnant and request that the remnant be sold to them.

Staff is recommending that the prior Board action of July 25, 2003, under agenda item D-15, be amended by changing the applicant's name the remnant will be sold to from Clifford K. Helenihi and Channa Helenihi to Michael C. Davis and Michelle L. Davis.

RECOMMENDATION:

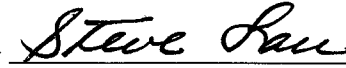
That the Board amend its actions of July 25, 2003, under agenda item D-15 from Clifford K. Helenihi and Channa Helenihi to Michael C. Davis and Michelle L. Davis, subject to the following terms and conditions:

1. All other terms and conditions of the Land Board 's action of July 25, 2003, under agenda item D-15 are to remain the same.

August 11, 2006

2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

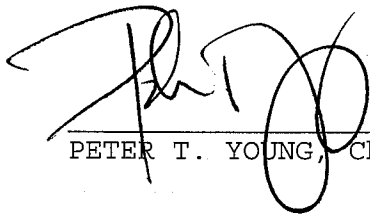
Respectfully Submitted,



Steve Lau

Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

КАМЕННА

Na. P. 088-1 (72)

HIGHWAY

**FOR REAL PROPERTY TAXATION PURPOSES:
SUBJECT TO CHANGE**

4 - 5 - 77. 1st Div

EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 25, 2003

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:030D-149

Oahu

Sale of Remnant to Clifford K. Helenihi and Channa Helenihi,
Halekou-Waikaluakai Homesteads, Kaneohe, Oahu, Tax Map
Key:4-5-077:59(Portion).

APPLICANT:

Clifford K. Helenihi and Channa Helenihi, husband and wife, as
Tenants by Entirety, whose residence and mailing address is
45-546 Huawaina Place, Kaneohe, Hawaii 96744.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Halekou-Waikaluakai Homesteads
situated at Kaneohe, Oahu, identified by TMK:4-5-077:59, as shown
on the attached map labeled Exhibit A.

AREA:

915 sq. ft., more or less.

ZONING:

State Land Use District: Urban
County of Honolulu CZO: R-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Unencumbered. A portion of the abandoned ditch right-of-way,
which runs through the lower portion of the applicant's property,
which is identified by Tax Map Key:4-5-077:40.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
July 25, 2003

ITEM D-15

Therefore, the applicants are the only party who will be purchasing the State parcel 59 and consolidating it into parcel 40.

The abandoned ten foot wide irrigation ditch right-of-way which is located on the applicant's lot is owned by the State of Hawaii. The right-of-way was once part of an irrigation ditch system in Waikalua, Kaneohe. Waikalua was once government public lands. Grants were issued by the Territory in this area which reserved the fee title of the ditch system to the Territory.

The ditch was eventually abandoned and the area was subdivided into houselots which included the abandoned ditches which were still owned by the State of Hawaii. Lot owners in Waikalua have in the past acquired the title for these ditches.

Land Patent Grant No. 7352 dated October 21, 1914 transferred the ownership of the property over to the previous owner of the property, reserving the 10 ft. wide ditch right-of way in favor of the State of Hawaii.

By way of a letter dated April 28, 2003, Clifford Helenihi and Channa Helenihi are the new owners of the property (Tax Map Key:4-5-077:40) in which the right-of-way ditch is located, and are requesting to purchase the remnant property from the State.

The applicants has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from the Department of Health, Department of Agriculture, the Office of Hawaiian Affairs, DLNR- Historic Preservation, DLNR-Engineering Branch, DLNR-Water Resource Management, the C&C of Honolulu - Dept. of Planning and Permitting and C&C of Honolulu - Dept. of Facility Maintenance.

The City and County of Honolulu requires that the applicant consolidate their property with the portion of the ditch right-of-way that is adjacent to their property and submit a consolidation map which has been approved by the City and County of Honolulu, Department of Planning and Permitting.

There are no other pertinent issues or concerns from other government agencies. Staff has no objection to the sale of this remnant parcel to Clifford Helenihi and Channa Helenihi.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling all of the Applicant requirements listed above:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant

DWG NO.: 4280
SOURCE: Patagon Maps Bureau
BY: L.D. DATE: April 18, 1961

No. P-003-1 (7.3)

HIGHWAY

4 - 5 - 77. 1st Div

EXHIBIT A

**FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE**

DEPARTMENT OF TAXATION
TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP

FIRST	TAXATION DIVISION
ZONE	SEC. PLAT
4	5 77

SCALE: 1 IN. = 50 FT.